

Express Mail Label No.: EJ69537/992US  
Date of Deposit: November 12, 1999



Attorney Docket No: 19374-504 (GND-4)

Sector / #

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

#3

APPLICANT: Sean Farmer

ASSIGNEE: GANEDEN BIOTECH, INC.

SERIAL NUMBER: 09/369,016

EXAMINER: Not Yet Assigned

FILING DATE: August 5, 1999

ART UNIT: 1633

FOR: METHODS FOR INCREASING THE SOLUBILITY OF ESSENTIAL VITAMINS &  
MINERALS IN MAMMALS USING PROBIOTIC LACTIC ACID-PRODUCING  
BACTERIA, SYSTEMS, AND COMPOSITIONS

November 12, 1999  
Boston, Massachusetts

**BOX MISSING PARTS**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

In response to the Notice to File Missing Parts, mailed August 31, 1999, for filing in the  
above-referenced patent application are the following documents:

referenced patent application are the following documents:

- ☒ an executed Combined Declaration and Power of Attorney form [3 pp.];
- ☒ an executed Statement Claiming Small Entity Status [2 pp.];
- ☒ a Petition for a one-month extension of time under 37 C.F.R. §1.136(a) [1 pg.];
- ☒ a copy of PTO Form PTO-1533, mailed August 31, 1999 [1 pg.];
- ☒ a check (#4789) in the amount of \$65.00 for the Surcharge as set forth in 37 C.F.R. §1.16(e);
- ☒ a check (#4790) in the amount of \$55.00 for a one (1) month extension of time as set forth in 37 C.F.R. §1.17(a)(1); and
- ☒ a Return Postcard.

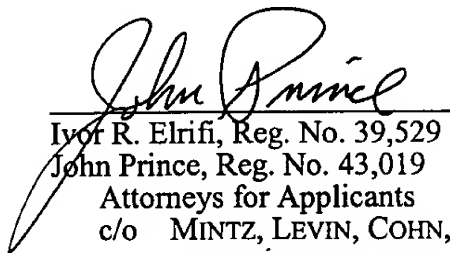
Although Applicants believe that no additional fees are due in connection with this submission, the Commissioner is authorized to credit any overpayment or charge any deficiencies to Deposit Account No. 50-0311 (Reference No. 19374-504;GND-4). A duplicate of this Response is enclosed herewith.

Farmer  
09/369,016

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at (617) 542-6000, Boston, Massachusetts.

Respectfully submitted,



  
Ivor R. Elrifi, Reg. No. 39,529  
John Prince, Reg. No. 43,019  
Attorneys for Applicants  
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TRADOC5:1262482.1(R24Y011.DOC)  
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Express Mail No.: EJ695377992US  
Attorney Docket No.: GND-4 (19374-504)

#3

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS : Sean Farmer  
ASSIGNEE : Not Yet Assigned  
SERIAL NUMBER : 09/369,016  
FILING DATE : August 5, 1999  
FOR : METHODS FOR INCREASING THE SOLUBILITY OF ESSENTIAL  
VITAMINS & MINERALS IN MAMMALS USING PROBIOTIC LACTIC  
ACID-PRODUCING BACTERIA, SYSTEMS, AND COMPOSITIONS

**STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR § 1.9(f) and § 1.27(b))--SMALL BUSINESS**

I hereby state that the above identified small business concern qualifies as a small business concern, as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to, and remain with, the small business concern identified above, with regard to the invention described in U.S.S.N. 09/369,016, entitled: "METHODS FOR INCREASING THE SOLUBILITY OF ESSENTIAL VITAMINS & MINERALS IN MAMMALS USING PROBIOTIC LACTIC ACID-PRODUCING BACTERIA, SYSTEMS, AND COMPOSITIONS", filed August 5, 1999.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c), if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each such person, concern or organization having any rights in the invention is listed below:

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b)).

Name of person signing:

Andrew R. Lefkowitz, Esq.

Title in organization of person signing:

General Counsel and V.P. of Corporate Development

Address of person signing:

Ganeden Biotech, Inc.  
5940 Pacific Mesa Court, #209  
San Diego, CA 92121

Signature: \_\_\_\_\_

*AR LQ*

Date: \_\_\_\_\_

*10/8/99*

Express Mail Label No. EJ695377992US  
Date of Deposit: November 12, 1999



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

#3

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/369,016 08/05/99 FARMER

0212/0831

IVOR R ELRIFI  
MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO  
ONE FINANCIAL CENTER  
BOSTON MA 02111



19374-504  
GANEDEN-04(1)

DATE MAILED 1633

08/31/99

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**Filing Date Granted**

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☐ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a  
☐ small entity (statement filed) ☐ non-small entity is \$ 130.00

- ☐ 1. The statutory basic filing fee is:  
☐ missing.  
☐ insufficient.

Applicant must submit \$ \_\_\_\_\_ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

- ☐ 2. The following additional claims fees are due:

\$ \_\_\_\_\_ for \_\_\_\_\_ total claims over 20.

\$ \_\_\_\_\_ for \_\_\_\_\_ independent claims over 3.

\$ \_\_\_\_\_ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☒ 3. The oath or declaration:  
☒ is missing or unsigned.

☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

- ☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

- ☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

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